

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION
FUND, *et al.*

Civil No. 09-33-ST

Plaintiffs,

v.

SYMMETRY CONSTRUCTION
SERVICES CORPORATION; and
SYMMETRY CONSTRUCTION, INC.,

SUMMARY JUDGMENT
ADVICE NOTICE TO *PRO SE*
DEFENDANTS AND NOTICE TO
CORPORATE DEFENDANTS

Defendants.

Plaintiffs have now filed a Motion for Summary Judgment (docket #40) against defendant Symmetry Construction Services Corporation on their First Claim for Relief and against Symmetry Construction, Inc. on their Second Claim for Relief. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, result in judgment being entered against defendants on those claims.

Rule 56 tells you what you must do in order to oppose a motion for summary judgment.

Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will result in judgment in favor of plaintiff on those claims.

When a party suing you makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on the allegations in your responsive pleadings (Defendant Symmetry Construction Services Corporation's Answer (docket #5) and Defendant Symmetry Construction, Inc.'s Answer (docket #6)). Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, that contradict the facts shown in the moving party's declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, judgment will be entered against you and there will be no trial.

In addition, on November 8, 2010, this court granted the motion of defense counsel to withdraw (docket #33). While individual defendant(s) may proceed *pro se*, corporate defendants can only appear in this court through an attorney.

DATED this 31st day of March, 2011.

/s/ Janice M. Stewart
 JANICE M. STEWART
 United States Magistrate Judge